
IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

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Applicants: George E. Seidel, Lisa Herickhoff, John Schenk
Title: Multiple Sexed Embryo Production System for Mammals
TC/A.U: 1634
Examiner: Carla J. Myers
Assignee: XY, Inc.
Attorney Docket: XY-Super-Cont2
Customer No.: 28424
Confirmation No.: 2282

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Assignee, XY, Inc., is the owner of 100 percent interest in the instant application. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and § 173, as presently shortened by any terminal disclaimer or as may be shortened by any terminal disclaimer filed prior to the grant of a patent, of any patent granted on pending reference Application No. 11/536,492, filed on September 28, 2006. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and § 173 of any patent granted on the reference application, as the term of any patent granted on the reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application, in the event that any such patent granted on the pending reference application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is subsequently statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer or as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Funds in the amount of \$140.00 are enclosed in accordance with 37 C.F.R. § 1.20(d).

Dated this 27th day of May, 2009.

Respectfully Submitted,
SANTANGELO LAW OFFICES, P.C.

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